

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NM HOMES ONE, INC.,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A. and  
TODD BROWN,

Defendants.

08 Civ. 7679 (SWK)

ECF CASE

**AMENDED NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, the declaration of Richard A. Rosen and accompanying exhibits, and all other papers and proceedings herein, defendants JP Morgan Chase Bank, N.A. and Todd Brown will move this Court, before the Honorable Shirley Wohl Kram, United States District Judge for the Southern District of New York, on a date and at a time to be set by the Court, at the United States Courthouse, 40 Centre Street, New York, New York 10007, Room 2101, for an order, pursuant to Rules 9 and 12(b)(6) of the Federal Rules of Civil Procedure and Section 21D(b)(3) of the Securities and Exchange Act of 1934, dismissing the Second through Tenth Counts of the complaint with prejudice. Defendants further request that, if such counts are dismissed and because the lone remaining count (the First Count, breach of contract) is not being asserted against him, Todd Brown be dismissed from the case, with prejudice.

Dated: November 14, 2008  
New York, New York

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